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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,656	03/01/2002	James A. Buckley	3191E-000001/CPC	8121
27572	7590	03/25/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			TORRES, MELANIE	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,656

Applicant(s)

BUCKLEY ET AL.

Examiner

Melanie Torres

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Bruhn, Jr.

Re claims 1 and 8, Wooters teaches a golf car comprising a pedal assembly. However, Wooters does not teach a frame supported on a plurality of wheels; a bracket member fixedly coupled to said frame; and a pedal member having an arm portion and a pedal portion, said pedal portion being disposed on a first end of said arm portion, said pedal member being pivotally coupled to said bracket member at a second end of said arm portion such that said second end of said arm portion is elevated relative to said pedal portion. Bruhn, Jr. teaches a frame supported on a plurality of wheels (deemed to be inherent in any vehicle); a bracket member (32) fixedly coupled to said frame; and a pedal member (24) having an arm portion and a pedal portion (22), said pedal portion being disposed on a first end of said arm portion, said pedal member being pivotally coupled (at 28) to said bracket member at a second end of said arm portion such that said second end of said arm portion is elevated relative to said pedal

Art Unit: 3683

portion. It would have been obvious to have used the pedal assembly of Bruhn, Jr. in the golf car of Wooters since pedal assemblies are well known in the art for stopping and moving vehicles.

Re claim 2, Wooters as modified teaches wherein said pedal member is a brake pedal assembly (24) selectively actuating a brake system.

Re claims 7 and 8, Wooters as modified teaches wherein said pedal member is an accelerator pedal assembly (14) for actuating a drive system.

3. Claims 3-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Bruhn, Jr and further in view of MacDuff.

Re claims 3 and 9, Wooters as modified does not teach wherein said brake system comprises: a hydraulically actuated braking system operably coupled to at least one of said plurality of wheels, said braking system operable to exert a frictional force on said one of said plurality of wheels; and a master brake cylinder fluidly coupled to said braking system for outputting a hydraulic fluid pressure in response to actuation of said brake pedal assembly, said master brake cylinder being generally positioned above said brake pedal assembly and said braking system. MacDuff teaches teaches a brake system comprising a hydraulically actuated braking system operably coupled to at least one of said plurality of wheels, said braking system operable to exert a frictional force on said one of said plurality of wheels; and a master brake cylinder (18) fluidly coupled

Art Unit: 3683

to said braking system for outputting a hydraulic fluid pressure in response to actuation of said brake pedal assembly, said master brake cylinder being generally positioned above said brake pedal assembly and said braking system. It would have been obvious to have applied the teachings of MacDuff to the brake system of Wooters in order to provide more effective controlled brake actuation in a vehicle.

Re claims 4 and 10, Wooters as modified teaches wherein said hydraulically actuated brake system comprises: a brake rotor attached to at least one of said plurality of wheels; a first caliper (42, 44) assembly having brake pads which contact said brake rotor in response to said master brake cylinder output to cause friction, said friction retarding movement of said brake rotor and associated wheel.

Re claims 5 and 11, Wooters as modified teaches wherein said hydraulically actuated brake system comprises: a brake drum (50) attached to at least one of said plurality of wheels; a first shoe assembly having brake shoes which contact said brake drum in response to said master brake cylinder output to cause friction, said friction retarding movement of said brake drum and associated wheel.

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Bruhn, Jr and further in view of Taig.

Re claims 6 and 12, Wooters as modified does not teach wherein said hydraulically actuated brake system comprises: an accumulator fluidly coupled to said

Art Unit: 3683

master brake cylinder, said accumulator storing energy for maintaining a braking force in a parking mode. Taig teaches wherein a hydraulically actuated brake system comprises: an accumulator (103) fluidly coupled to said master brake cylinder (102), said accumulator storing energy for maintaining a braking force in a parking mode. (Fig. 10, 11) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided an accumulator as taught by Taig in the brake system of Wooters as modified as accumulators are well known in the art for storing energy for parking brake applications.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Strait and further in view of MacDuff.

Re claim 13, Wooters teaches a golf car comprising a pedal assembly. However, Wooters does not teach a frame supported on a plurality of wheels; a bracket member fixedly coupled to said frame; and a pedal member having an arm portion and a pedal portion, said pedal portion being disposed on a first end of said arm portion, said pedal member being pivotally coupled to said bracket member at a second end of said arm portion such that said second end of said arm portion is elevated relative to said pedal portion. Strait teaches a frame supported on a plurality of wheels (deemed to be inherent in any vehicle); a bracket member (22) fixedly coupled to said frame; and a pedal member (64) having an arm portion and a pedal portion, said pedal portion being disposed on a first end of said arm portion, said pedal member being pivotally coupled (at 20) to said bracket member at a second end of said arm portion such that said

Art Unit: 3683

second end of said arm portion is elevated relative to said pedal portion, and a brake pedal locking mechanism (30) operatively cooperating with the brake pedal to provide a locked position beyond an end of the operating stroke, the brake pedal locking mechanism further operable to automatically unlatch the brake pedal from the locked position upon movement of the brake pedal beyond the locked position. It would have been obvious to have used the pedal assembly of Bruhn, Jr. in the golf car of Wooters since pedal assemblies are well known in the art for actuation of braking systems.

Wooters as modified above does not teach wherein said brake system comprises: a hydraulically actuated braking system operably coupled to at least one of said plurality of wheels, said braking system operable to exert a frictional force on said one of said plurality of wheels; and a master brake cylinder fluidly coupled to said braking system for outputting a hydraulic fluid pressure in response to actuation of said brake pedal assembly, said master brake cylinder being generally positioned above said brake pedal assembly and said braking system. MacDuff teaches teaches a brake system comprising a hydraulically actuated braking system operably coupled to at least one of said plurality of wheels, said braking system operable to exert a frictional force on said one of said plurality of wheels; and a master brake cylinder (18) fluidly coupled to said braking system for outputting a hydraulic fluid pressure in response to actuation of said brake pedal assembly, said master brake cylinder being generally positioned above said brake pedal assembly and said braking system. It would have been obvious to have applied the teachings of MacDuff to the brake system of Wooters in order to provide more effective controlled brake actuation in a vehicle.

Re claim 14, Wooters as modified above teaches wherein said hydraulically actuated brake system comprises: a brake rotor attached to at least one of said plurality of wheels; a first caliper (42, 44) assembly having brake pads which contact said brake rotor in response to said master brake cylinder output to cause friction, said friction retarding movement of said brake rotor and associated wheel.

Re claim 15, Wooters as modified above teaches wherein said hydraulically actuated brake system comprises: a brake drum (50) attached to at least one of said plurality of wheels; a first shoe assembly having brake shoes which contact said brake drum in response to said master brake cylinder output to cause friction, said friction retarding movement of said brake drum and associated wheel.

### ***Response to Arguments***

6. Applicant's arguments filed January 2, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a



Art Unit: 3683

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is well known that a golf car would have a pedal assembly in order to stop the vehicle as was stated in the rejection above. Anyone of ordinary skill in the art would be able to recognize the obviousness of the combination of a vehicle with a pedal assembly. Alternatively and additionally, Bruhn, Jr. teaches wherein the pedal assembly is adjustable which is a specifically stated motivation within the reference for combining with Wooters. Therefore, the rejections are maintained.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3683

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT  
March 10, 2004

*Robert A. Siconolfi* 3/19/04  
ROBERT A. SICONOLFI  
PATENT EXAMINER